

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, December 21, 2022 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
December 21, 2022

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan

Councilmembers present via Zoom: Dave Rollo

Councilmembers absent: none

ROLL CALL [6:30pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:30pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:33pm]

Volan urged all to drive safely in the blizzard conditions throughout the Midwest. He noted the availability of a third COVID-19 booster.

REPORTS

- COUNCIL MEMBERS [6:34pm]

Sgambelluri listed all the warming stations throughout the city and shelters available during the freezing temperatures. She mentioned her upcoming constituent meeting. She provided an update on the reproductive healthcare emergency grants.

Rollo commented on pedestrian crossing on 7th Street and possibly re-adding stop signs. He wished Bloomington residents a safe and happy holiday season.

There were no reports from the mayor and city offices.

- The MAYOR AND CITY OFFICES [6:39pm]

There were no council committee reports.

- COUNCIL COMMITTEES [6:39pm]

Sidney Bolam, Fourth Street Festival of the Arts and Crafts, thanked the Board of Public Works (BPW) for their work with the festival. She provided a brief history and highlighted successes.

- PUBLIC [6:39pm]

Jim Shelton spoke about the upcoming training for Court Appointed Special Advocates (CASAs). He encouraged residents to volunteer and indicated how to do so, and the importance of the program.

Ash Kulak, Deputy Council Attorney, read a comment submitted via Zoom chat from Sam Dove regarding people needing help shoveling.

There were no appointments to boards and commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [6:46pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [6:47pm]

Rollo moved and it was seconded that Ordinance 22-40 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Ordinance 22-40 - An Ordinance to Amend Ordinance 22-26, Which Fixed the Salaries of Appointed Officers, Non-Union, And A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana for the Year 2023 - Re: To Reflect Changes Due to the Execution of a Collective

Rollo moved and it was seconded that Ordinance 22-40 be adopted.

Caroline Shaw, Director, Human Resources, presented the legislation and noted the proposed changes. She stated that the

contract was for four years, and provided additional details on salaries, grades, and title changes.

Bargaining Agreement Between the City of Bloomington and Local 2487 CBMC, A.F.S.C.M.E. and also a Change Affecting One Additional Job Title [6:47pm]

Piedmont-Smith asked how the extra \$1000 per employee was funded.

Council questions:

Shaw stated that she believed it was funded by the American Rescue Plan Act (ARPA) but would double check.

Piedmont-Smith asked about the timing of the gain sharing option.

Shaw believed it had been in prior contracts.

Beth Cate, Corporation Counsel, confirmed that was correct but had not been utilized in the past and would be in the near future. She also thanked Shaw for her outstanding work with the contract.

Sims asked how the Community Emergency Medical Technicians/Community Paramedic positions would be sustained long term.

Shaw said they were funded out of the General Fund, and provided additional details.

Sims asked how many employees were above the maximum for their pay grade.

Shaw said there were not many, and they were not maxed out at their pay grade. Those employees received their full salary with cost of living adjustments.

Piedmont-Smith said that the lowest wage in Ordinance 22-40 was \$15.29/hour and asked if that was the new living wage level.

Shaw believed that was correct, but would double check.

There was no public comment.

Public comment:

Piedmont-Smith requested the use of gender-neutral language in contracts and legislation as a best practice.

Council comments:

Sandberg appreciated working with Shaw and wished her well in her new role outside of the city. She acknowledged the employees who would be dealing with potentially dangerous weather, especially in the Streets, Sanitation, Fleet divisions, and more.

Rollo said it was ideal that contract negotiations be completed prior to the budget coming before council. He also wished Shaw well.

The motion to adopt Ordinance 22-40 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-40 [7:05pm]

Rollo moved and it was seconded that Resolution 22-21 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Resolution 22-21 – To Approve the Interlocal Agreement between Monroe County, the Town of Ellettsville, and the City of Bloomington for Animal Shelter Operation for the Year 2023 [7:06pm]

Rollo moved and it was seconded that Resolution 22-21 be adopted.

Virgil Sauder, Director of Animal Care and Control, presented the legislation. He explained the interlocal agreement and provided details including figures, per animal care costs, and the dollar amounts paid to the city.

Rollo asked if there were people from outside of Monroe County that were turned away when surrendering an animal because they could not afford the fee.

Council questions:

Sauder said that of the total animal intake for 2021, 16.5% were from outside the county. No animals in need were turned away and staff worked with people who could not afford the fee. Staff also assisted with rehoming animals via the website and more. The number of surrendered animals had increased due to the pandemic and that data would be analyzed.

Rollo asked what defined an animal in need.

Sauder said it was strays, or animals that needed medical help or food assistance.

Sims asked about any progress with the wildlife management plan, specifically regarding deer.

Sauder said that more information would be forthcoming.

Piedmont-Smith asked for a reminder on how the funding worked regarding Ellettsville and the county.

Sauder stated that both paid the city via the controller.

There was no public comment.

Public comment:

Piedmont-Smith thanked staff at the animal shelter, and appreciated the agreement.

Council comments:

The motion to adopt Resolution 22-21 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Volan out of the room)

Vote to adopt Resolution 22-21 [7:15pm]

Rollo moved and it was seconded that Resolution 22-22 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Volan out of the room) Bolden read the legislation by title and synopsis.

Resolution 22-22 – Approval of Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana Re: Building Code Authority [7:16pm]

Rollo moved and it was seconded that Resolution 22-22 be adopted.

Mike Rouker, City Attorney, referenced state law that authorized governmental entities to jointly exercise power through interlocal cooperation agreements. He delineated details on, and reasons for, the agreement.

Piedmont-Smith asked for clarification on the joint board that was referenced in the council memo.

Council questions:

Rouker stated that might be a typo and did not believe there was such a board for the building code interlocal agreement.

Stephen Lucas, Council Attorney, confirmed that there was no board for the building code interlocal agreement.

Piedmont-Smith asked if there was progress on submitting permit applications electronically as opposed to staff walking over to retrieve them.

Rouker explained that he was not sure how it was currently done, but would check.

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Resolution 22-22 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 22-22 [7:22pm]

Rollo moved and it was seconded that Resolution 22-23 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Piedmont-Smith out of the room). Bolden read the legislation by title and synopsis.

Rollo moved and it was seconded that Resolution 22-23 be adopted.

Rouker presented Resolution 22-23 and gave a brief explanation on the interlocal agreement that noted the allocation of funds for the city and county. The grant funds would be received by the city and distributed to the county accordingly.

There were no council questions.

There was no public comment.

There were no council comments.

The motion to adopt Resolution 22-23 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Smith out of the room)

Rollo moved and it was seconded that Appropriation Ordinance 22-06 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Flaherty out of the room). Bolden read the legislation by title and synopsis.

Rollo moved and it was seconded that Appropriation 22-06 be adopted.

Lucas reminded council that there was a noticed public hearing published in the newspaper for Appropriation Ordinance 22-06.

Mayor John Hamilton presented Appropriation Ordinance 22-06 including the history of the proposed project. He referenced prior presentations on council's approval of bonds and described the Fire Department's infrastructure needs. He noted the importance of integrating public safety and collocating police and fire. Hamilton explained that the purchase of the Showers building, west portion, was the most responsible use of funds, and was the least expensive option. While it was not perfect, it was optimal, and there was still design work to be done. Hamilton gave additional reasons in support of the purchase of the Showers building.

Brad Bingham, counsel, Barnes and Thornberg, reviewed Ordinance 22-30, provided details on Appropriation Ordinance 22-06, and described the requirements for the purchase of the Showers building by the Redevelopment Commission (RDC). He noted key points with the bonds, interest, open market committee meeting, and the increase in the prime rate.

Police Chief Mike Diekhoff supported the purchase of the Showers building and provided reasons. He explained damage that was done to the current police station, including rain water issues, and the lack of space, too. He said there were benefits to the location like the Trades parking garage, windows and natural light, and more. There were concerns such as ingress and egress but he was certain that suitable solutions to those concerns were doable. The Showers building also allowed space for growth.

Deputy Fire Chief Jayme Washel thanked council for their support over the years. He spoke about the Fire Department's infrastructure

Resolution 22-23 – To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regards to the 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) [7:22pm]

Council questions:

Public comment:

Council comments:

Vote to adopt Resolution 22-23 [7:27pm]

Appropriation Ordinance 22-06 – An Ordinance Appropriating the Proceeds of the City of Bloomington, Indiana, General Revenue Annual Appropriation Bonds of 2022, Together With All Investments Earnings Thereon, for the Purpose of Providing Funds to Be Applied to the Costs of Certain Capital Improvements for Public Safety Facilities, and Paying Miscellaneous Costs In Connection with the Foregoing and the Issuance of Said Bonds and Sale Thereof, and Approving and Agreement of the Bloomington Redevelopment Commission to Purchase Certain Property [7:29pm]

needs, as well as equipment, training, and the relocation of fire administration offices. He gave substantial reasons in support of the improvements and upgrades. The Showers building met the needs of the Fire Department including administration and personnel.

Appropriation Ordinance 22-06
(cont'd)

Deb Kunce, J.S. Held, addressed questions submitted in writing from councilmembers. She was a registered architect with thirty years' experience and was currently working on two other police stations in Indiana. She spoke about the feasibility studies, meeting with Diekhoff, and the inclusion of police and fire in the discussion. She clarified the concern about a three to five year life span for some systems. She highlighted the projected timeline and its phases, supply chain and construction cost challenges, ingress and egress concerns, collaboration with the Planning and Transportation department, and Engineering, parking, leases in the Showers building, group planning meetings, and design. Kunce provided details regarding the cost comparison between the Showers building or expansion of the current police station, expenses, square footage, and value.

Sgambelluri asked for further information on the discussion with the city staff regarding ingress and egress concerns.

Council questions:

Kunce said she had conversations with Andrew Cibor and Scott Robinson about the concerns and it was determined that more research was necessary during the design phase.

Hamilton commented that the B-Line was crossed by emergency vehicles on a daily basis.

Sgambelluri asked if the use of sirens and lights was the only option that did not require funding.

Kunce said that it depended, and that reconfiguring the parking lot was not included in the budget.

Sgambelluri said that ingress and egress concerns needed to be addressed and asked what needed to be done to address that.

Kunce said that the \$200,000 included in site cost could accommodate a low impact adjustment at the location. She did not believe that reconfiguring the parking lot was a solution that would help with the concerns.

Volan asked if it was correct that fire stations 1 and 3 would be rebuilt no matter what was selected regarding the appropriation of the bonds.

Hamilton said that if the Showers building was not selected then fire station 1 would be rebuilt and fire station 3 would have a major rehabilitation.

Volan said that council had not had time to review the current "30,000 mile high view" and asked if a "25,000 mile high view" was possible, with a bit more specific numbers. He understood that the price of the Showers building expired on January 31st and asked what problems might happen if council waited to make a decision.

Hamilton said that there would not be more additional information within a month, and that the process had gone through the standard level of review. To do that on multiple locations was not ideal nor typical.

Kunce did not believe that the costs would substantially change by waiting an extra month. It would also not change the property value of the building.

Volan said that council normally spent more time on a budget, with more specifics. He suggested having an intensive dive into the cost estimates.

Hamilton responded that staff was happy to answer any council questions.

Volan commented on the process and said it was fortunate that the bonds and the decision on the building were separated. He would have voted against the bonds had it been paired with the building location. Volan asked if the administration was willing to meet with some councilmembers to drill down one level regarding the proposed numbers.

Hamilton encouraged councilmembers to ask questions at the time since the experts were already present in the room and were paid for their time. It was not easy to gather all at the same time.

Volan reiterated that council had only recently seen the proposed cost estimates without adequate time to research the information in order to form questions.

Hamilton said the question was if council approved the purchase of the Showers building at an estimated cost, or an expansion. Experts had recommended the purchase of the Showers building.

Rollo noted council's fiduciary role and asked if the administration would commit to renovating the existing headquarters if the Showers building was not purchased.

Hamilton responded that it would be a rehabilitation of the current building and not expanding it.

Flaherty asked if the fire administration would be collocated with the training facility.

Hamilton confirmed it was the most reasonable option.

Flaherty said that council had seen different numbers from the administration and from the Fraternal Order of Police (FOP) and asked if the experts could weigh in, since all were in attendance that evening, especially if FOP members asked questions during public comment.

Hamilton said yes and repeated that the estimates used industry standards.

Piedmont-Smith inquired about the estimates for a possible rehabilitation and expansion of the current police station, and what exactly was being proposed in that case.

Kunce said that the assumption was that the existing police station would involve reconfiguring the layout to ensure that all the units were collocated in the right location within the building. It was possible that additional analysis or findings could occur and possibly lead to cost savings, and provided examples.

Rollo said that there were benefits with collocating public safety but that there were also vulnerabilities with having emergency services together. He asked if it was prudent to separate the services.

Hamilton said that there were multiple emergency providers all around the city, including county, dispatch, and Indiana University (IU) Health. He provided details and said that public safety experts had reviewed and endorsed the proposal. He explained that the city would prepare appropriate response for emergencies.

Volan asked President Sandberg about the difficulty in scheduling legislation and if council had a full agenda over the past few months.

Sandberg stated that it had been a full agenda for a while and it had been very difficult to schedule items.

Volan asked to what extent she and Vice President Sgambelluri had been able to schedule and keep up with items.

Sandberg responded that they had kept up with everything.

Sims asked about the FOP numbers that were provided to some councilmembers and not others, and asked for that to be shared

with all. He commented on square footage and asked about future expansion needs for the police station.

Appropriation Ordinance 22-06
(cont'd)

Kunce spoke about the available space after the leases in the Showers building ended that could be used for other city purposes.

Diekhoff said that annexation would have an impact and noted that Bloomington Police Department (BPD) was currently down twenty officers. He spoke about the possible growth of BPD.

Sims asked if the growth included non-sworn officers.

Diekhoff confirmed that was correct.

Smith commented on space in Showers and asked about the use of the extra space for other, non-public safety entities.

Hamilton viewed extra space as a bonus investment for the future. It provided for the current public safety needs, and could be used to generate revenue for the city by leasing to other entities.

Smith asked what the alternative option was to Showers.

Hamilton stated that had been answered at the previous meeting. If council did not approve the purchase of the Showers building, then fire station improvements would be done, and the city would have to find space for fire administration. There would be improvements to the current police station. He said that there would also then be more funding available for the ten-year Public Safety Local Income Tax (PSLIT) capital improvement plan.

Sandberg noted the information that had just been handed out regarding the FOP estimates. There was brief council discussion.

Dave Askins, B Square Bulletin, said the public would also like to have the FOP estimates. He commented on fair market appraisals, and purchase price. He spoke about RDCs' purview and state code.

Public comment:

Kulak read a comment submitted via Zoom chat from Sam Dove regarding the name change for Indiana University's basketball stadium.

Paul Post, President of FOP Lodge 88, urged council to reject the expensive purchase of the Showers building and commented on officers' concerns, and code issues. He noted that police and fire buildings being essential and Risk Category 4 buildings. He read from a report from Tabor Bruce Architecture & Design highlighting the need for significant infrastructure upgrades. Post also quoted Fink Roberts and Petrie, Incorporated stating that it was not feasible that the building be Risk Category 4 without major improvements. He also spoke about public safety funds, leases, and more.

Jeff Rogers, BPD representative, provided details on the FOP estimates that were obtained from an individual who consistently contracted with the city. The estimates were increased by 30-50% each to include a healthy cushion for the improvements. He commented on the cost of improving the current police station and provided details on parking, and other options that were suggested by the FOP. He encouraged councilmembers to visit the police station and said that he and others would make themselves available to discuss the options. He provided additional information regarding cost for Showers or the current station.

Rollo asked for a response regarding the Risk Category 4 concerns.

Council comments:

Kunce said that three studies were conducted and provided details. She said the building had an occupancy group 2 category and the plans would only need to be addressed if that grouping changed, based on the Indiana Building Commission. She clarified

that the building would contain police and fire headquarters which did not change the building from being occupancy group 2.

Appropriation Ordinance 22-06
(cont'd)

Rollo said that no upgrades were necessary.

Kunce confirmed that was correct, according to the Indiana State Building Commissioner's assessment.

Piedmont-Smith moved and it was seconded to postpone further discussion of Appropriation Ordinance 22-06 until January 18, 2023.

Flaherty asked for the administration's feedback on legal or fiscal impacts.

Council questions:

Cate noted financing costs, like bond counsel, that would be paid out of the bond proceeds. There was also an impact on costs.

Flaherty said that there were costs but that they were not catastrophic.

Cate said there were not catastrophic impacts.

Piedmont-Smith asked if the city could pay bond counsel from a different source, and then reimburse at a later date.

Jeff Underwood, Controller, said that there were no funds available to appropriate for that purpose.

Piedmont-Smith asked what the legal obligations were and if council could delay payment.

Underwood explained that payment was typically due within thirty days and provided details on bonds.

Larry Allen, Assistant City Attorney, pointed out the logistical difficulty of a tight timeline for closing on the building.

Hamilton added that there was an expert present who would be able to discuss the financial concerns.

Smith asked for clarification in the difference with the estimates.

Flaherty noted that the discussion was on the motion on the table.

Rosenbarger asked if there was a current agreement regarding the closing date.

Allen said that there was a purchase agreement, but included the condition of council's approval for RDC's purchase of the building.

Rosenbarger asked if it was possible to change.

Allen said that it depended on the other stakeholder, and provided additional information.

Volan commented on the precedent of collocating public safety, PSLIT funding, seismic concerns, and council's responsibility for due diligence in the spending of the bonds. It was not ideal to request that council be asked to approve appropriation of funding so quickly. He gave additional reasons and said that if he was required to vote that evening, he would abstain or vote no because he had not been given enough time to consider the proposal. He commented on the timeline, and other items to consider.

Flaherty said it was difficult to support the motion because the estimates could be discussed that evening, line by line. It was possible that the estimates were not truly that different, but there had not been enough time to dig into the estimates. He said he would vote against the motion to postpone, but might support postponement if sufficient discussion was not done that evening.

Volan respectfully disagreed and commented on additional items on the agenda that needed to be considered.

Rollo agreed that more time was needed and would support the motion and gave reasons for postponing.

Appropriation Ordinance 22-06
(cont'd)

Sandberg supported postponing the consideration of Appropriation Ordinance 22-06 and provided information supporting doing so.

The motion to postpone received a roll call vote of Ayes: 7, Nays: 2 (Sims, Flaherty), Abstain: 0.

Vote to postpone Appropriation Ordinance 22-06 [9:11pm]

Rollo moved and it was seconded that Ordinance 22-38 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Flaherty out of the room). Bolden read the legislation by title and synopsis.

Ordinance 22-38 – To Amend the City of Bloomington Zoning Maps by Rezoning A 87.12 Acre Property from Mixed-Use Employment (ME) to Mixed-Use Institutional (MI) – Re: Northeast Corner of W. Fullerton Pike and S. State Road 37 (Monroe County Government, Petitioner) [9:12pm]

Rollo moved and it was seconded that Ordinance 22-38 be adopted.

Jackie Scanlan, Development Services Manager, Planning and Transportation department, presented the petition. She provided information on the location, zoning, surrounding area, an overview of the petition, and that the legislation was in opposition to the Comprehensive Plan’s goals. She reviewed the Plan Commission’s (PC) concerns with the petition and noted that the PC recommended rejecting it. Scanlan stated that staff did not believe there was sufficient information to do a site plan.

Lee Jones, Monroe County Commissioner, spoke about the idea of a jail, and that incarceration can lead to worsening of problems. A jail was always needed for those that were dangerous to the community or to themselves. She commented on the option of separating services out such as mental health.

Julie Thomas, Monroe County Commissioner, discussed the issue of transportation including Bloomington Transit (BT) routes. She noted that a road was not constructed yet. She described the difficulty with transportation to the area and said that the onus was more with the city and should not be pushed onto the county.

Jeff Cockerill, County Attorney, noted that the county was the ninth largest employer in the county, right behind the city. He said that part of the reason for selecting that area was its proximity to Monroe Hospital. He commented on the map amendment request, a brief history of the current jail facility, reasons for the site listed in the petition, differences in the Mixed-Use Employment (ME) and Mixed-Use Institutional (MI) zones, additional uses for the site, and referenced the vision statement in the Comprehensive Plan. He also discussed current MI zones, and referenced recent case law findings.

Volan asked how many square feet the county believed was needed for the cells in a jail facility on a ground floor.

Council questions:

Cockerill said that typically, there was a base level with cells, as well as a second floor of jail cells, and a shared common area.

Volan asked if the county wanted to build a facility that did not have any cells above the ground floor and not on more than one floor.

Cockerill said yes, and described the current jail which had two floors of cells on two levels. He explained that the county wanted to reduce that to one floor with two levels. The footprint would be greater than one acre.

Volan said that the current jail had approximately 27,000 square feet on each floor, so about 54,000 square feet total.

Cockerill reiterated that the current jail was about one acre and what was needed was greater and about an acre and a half, spread out over a larger area.

Rosenbarger asked for clarification about the ME versus MI uses that were presented that evening because Scanlan's and Cockerill's allowed uses differed a bit.

Scanlan said that single family houses were not allowed in MI. Most MI was government use properties, like IU and MCCSC. She listed other things not allowed in MI like a brewpub, and more.

Cockerill noted that he had omitted the word "not" in his slide.

Volan asked if the county intended to subdivide some parcels of land to developers to build housing or restaurants.

Cockerill said there was not a plan to subdivide the land. The focus was on building a new correctional facility and perhaps to expand that and collocate justice related units, like the courts.

Volan said that he had thought the plan was to have all the public safety and justice related units at the site.

Cockerill said that a master planning phase was needed, and that there was resounding support for collocating the justice units.

Volan asked if the employees in the justice units wanted to collocate at the proposed site, or in their current space.

Cockerill explained the difficulty in renovating the Charlotte Zietlow Justice Building due to the lack of space.

Piedmont-Smith asked if other locations were considered for the jail like the land to the south of Catalent, and why they were ruled out.

Cockerill said that the land south of Catalent had been ruled out about four years ago because of Habitat for Humanity homes. Catalent had requested the ability to buy that land from the county, and the county had agreed to hold that land for two years as long as Catalent was meeting their investment goals. He had spoken with city staff about using that land for a residential Tax Increment Financing (TIF) district. He asked if the city's investment in Switchyard Park was augmented by having a correctional facility there. He noted issues with vehicular access only on Rogers Street, Duke's utilities in the area, safety, delivery truck access, and the higher priority of housing in that area.

Piedmont-Smith asked how many acres the county owned there.

Cockerill said it was around eighty or ninety.

Piedmont-Smith asked if the county was holding that land for Catalent.

Cockerill clarified that only about fifty acres was buildable but that county commissioners approved a resolution to hold the entire property for that use.

Flaherty asked what the preliminary cost estimates were for a new jail at the proposed site.

Cockerill stated that the county was in the design process to determine the master planning. Pre-Covid-19, for a 300-350 bed jail, the estimate was between \$40-50 million.

Flaherty said that he had seen figures around \$60-70 million from other stakeholders.

Cockerill said that was a decent guess since time had passed.

Flaherty stated that he was thinking about alternatives to the site and asked about the prohibitive cost of \$54 million for the renovation of the current facility. He also asked for further information on the low- to high-estimates.

Thomas said that she did not see how the question was germane to the petition. She noted that that the estimates were drafted in

Ordinance 22-38 (cont'd)

2019. She described several concerns with the Justice Building. She explained that inmates would need to be jailed somewhere while renovation was done. She asked councilmembers to visit the current jail. She discussed the need for treatment, all the units within county government and justice, and commissioners' role in the planning, budget, and construction of the facility.

Flaherty explained that the line of questioning was germane because there were many negatives with the proposed site, which might be justified, and council might find it adequate if there were no alternatives to consider. That was the type of discussion occurring that evening. He was hoping to have a full understanding of what made the renovation of the current jail cost prohibitive. He asked if there was more information surrounding the estimated cost, ranging from \$22-56 million for the remediation of all the identified issues.

Cockerill said that was not an accurate picture of all the economic issues. The reports did not include operational costs and programming, for example. He did not know the full staffing cost. He said that construction cost was just one factor. He did not know if additional space could be built on top of the current building.

Flaherty asked if the provisional assessment that had been done was not adequate and if more information and studies were needed.

Cockerill said that one member of the Community Justice Response Committee (CJRC) had recently requested that a more full report and review be done. He said that the county staff had looked at renovating the current building, and had opted not to.

Sgambelluri asked about other properties under consideration, outside of city limits, and why they were rejected.

Cockerill said that one was further south on Old State Road 37 South and had sanitation and sewer issues, and more. He listed other factors like contiguous building areas, ravines, or other unknown issues. He said they also looked at another area off of Vernal Pike, but the property owner was not interested. He listed other reasons and noted that many options were outside of the city.

Rosenbarger addressed County Commissioner Thomas' question regarding the city's response to the need for transit. She said that when the city worked with a potential employer, or major housing developer, where there would be lots of stress on the infrastructure, the city requested that the developer fund a bus line. She asked what the county planned to do regarding access considering that BT did not currently have plans to provide routes to the site.

Cockerill said that he had corresponded with BT who confirmed that if the proposal was approved by council, then they would be willing to go through their process to consider possible routes there. It was not a commitment and there were additional considerations to discuss. He said they had even mentioned potentially having a Park-n-Ride location at the site. He reiterated that BT was not committing to anything at the moment. He provided additional information.

Sandberg referenced the letter sent to Cockerill from John Connell, Director of BT, indicating that transit routes were not ideal there, unless there were conditions favorable to providing service to the site, like a facility.

Rosenbarger asked for further clarification regarding access to the site, especially for those individuals that were released from custody.

Cockerill noted that typically, one person per day was released between 8:00pm-7:00am, on average. He said that hypothetically, it

was likely that those individuals had bonded out and possibly had others going to pick them up.

Sims noted that there were those that bonded out, and those released on their own recognizance who may not have someone to pick them up. He asked what happened when one person was released and they did not have transportation plans and there was no transit.

Thomas responded that the county had done everything they could leading up to the petition, and had conversations with BT. If there was no transit service, then the county would have to make plans to address that. She felt that the county had researched as much as possible but could not spend money on a study since it was unknown if the petition for the site was approved or not.

Sims asked what the key stakeholders thought about the proposed site.

Jones said that in reading through the comments submitted by stakeholders, she noted that there were many assumptions that were made. She said that the goal was to reform the criminal justice system and also that the jail was a small part of that system.

Sims asked if they were supportive or not.

Jones said that as a whole they were not supportive, but she believed that the stakeholders did not understand what was being proposed and what could be done at the site.

Sgambelluri asked for a specific example of an assumption that was made.

Jones said she could not recall a specific concern, but spoke about the general assumptions like the inconvenience of the location, many unknowns, and possible problems that could occur like not being able to collocate or having to do so in two phases. It was also not ideal to travel from their office to the proposed site. Jones listed additional examples summarizing the uncertainties due to change.

Volan said that he had looked at the site with the idea of perhaps having a new town square there. He asked if the ME zone could be amended to allow a jail.

Scanlan responded yes; council could pass a resolution to direct Planning and Transportation staff to draft an amendment.

Volan said that if council were to reject the rezone, but then file an amendment to change the ME zone, that it would take about three months.

Scanlan stated that was correct.

Volan asked county representatives for their opinion.

Cockerill said it was a good concept, but that the deadline for the purchase agreement was the end of the year, though it may be able to be extended for a short time. He noted some concerns with keeping the ME zone.

Volan asked if the county had considered building in places it already owned, like the public defenders building.

Cockerill answered that they had not and did not know how that would be feasible.

Volan said it was a suggestion for the logistical challenge for building in a dense, mixed-use downtown. He listed several other county-owned properties to consider.

Smith said that he, as the council representative on the Plan Commission, understood that the rezone request was in order to accommodate the additional services other than just the jail.

Public comment:

Mike Carmin, attorney for Bill Brown, property owner of the site, spoke about the history of the land, rezoning requests in the past, current concerns for development like parking space maximums, and the site being shovel-ready.

Christopher Knoll spoke in support of moving forward in getting inmates better conditions and services and thus the proposal.

Sydney Foreman commented on several issues with the proposed site including transit, the many hesitations with the inability to collocate, and many other concerns. She urged council to reject the proposal.

Natalia Galvan spoke about the lack of communication from the commissioners with city council. A more collaborative process had been requested months ago.

Brynn Thomas noted many concerns with the proposed site, jobs, and referenced the Comprehensive Plan. The proposed site was supposed to offer a sense of welcoming upon entering the city. She spoke against building a jail and asked council to reject the proposal.

Micol Seigel opposed the expansion of the prison system, and referenced Care Not Cages. She discussed the problems with having a part of the justice system far away from the downtown. She spoke against the current jail and the assumption that a new jail was ideal. She urged the full funding of the social services in the community.

Debbie Fish spoke about the need for access, transportation to courts, and the impact on families to keep the connection to their incarcerated family member. She hoped council voted against the rezoning.

Sam [inaudible] asked council to not approve the rezone request. He commented on the site's distance from services located downtown, even with collocation of the justice system units, the incompatibility with the Comprehensive Plan, and said that the proposal did not contribute to public safety.

Kevin Weinberg discussed the need to reflect on why individuals were arrested and caged. He said overcrowding in the jail was a red herring and that research showed that funding healthcare was key to mental health and more. He urged council to not rush the proposal through.

Donyel Byrd urged council to reject the proposal and was concerned about taxpayer money funding a facility that was ineffective in making the community safer. She noted New Leaf New Life's work with the community as well as alternatives to incarceration.

Seth Mutchler spoke about Care Not Cages and the study done on the current Justice Building. He highlighted experts' opinions including mental health and/or substance use disorders and recommendations opposing a new jail facility. He provided many reasons opposing a new facility.

Becca Schwartz spoke against the rezoning and agreed with those who spoke in opposition.

Maggie [unknown last name] spoke against the proposal and said that potential transitional housing, mental health facility, and a

detox center had only been mentioned that evening. She was concerned with the lack of planning by the commissioners.

Ordinance 22-38 (cont'd)

Volan commented that the current jail was safe from the outside, and people walked by it every day. He elaborated on the county's ability to use buildings they currently owned and gave details on the options. He noted that the county and city had a vested interest in public safety and questioned why county government had not considered partnering with the city. He also believed that the building was in bad shape and was poorly designed, and that it was unbelievable that it was at the end of life after thirty five years. He did support rehabbing the building. He commented on the importance of having jail cells on the first floor, but not having mixed uses on upper floors. Volan also discussed interlocal agreements with the county, the court order for the jail, Community Justice Response Committee (CJRC) discussion, and the exclusion of the city in their meetings. He noted that Commissioner Thomas had said that she hoped to keep the fourteen county committee members as is therefore not inviting a representative from the city. Yet now the county had brought the petition before the city. He said that council should reject the proposal.

Council comments:

Sgambelluri asked if the commissioners were still in the meeting. She said that the city had a large role in the community justice system, including BPD and more. She had too many questions remaining and could not support Ordinance 22-38 that evening.

Sims thanked Cockerill for his attendance, as well as those who had already left the meeting. He noted that the Plan Commission had given a negative recommendation. He commented on transit, collaboration, and the justice system being punitive and not rehabilitative. He understood there were some individuals that behaved in a manner that justified their separation from the community. That did not qualify the need for a new jail. Sims said that those incarcerated needed to be treated humanely with compassion and respect. He was a proponent of redistributing public safety funds, and not defunding, but also not just having sworn officers. He said wrap around services were important and gave examples of some needs. Stakeholders needed to be included and listened to as a starting point for reform. Sims spoke about recidivism, especially for people of color and poor people, was primarily due to failure to appear warrants. He believed it was difficult to support the legislation that evening.

Rosenbarger agreed with her colleagues' comments, and would be voting against the rezone. She reiterated that the Plan Commission and Planning and Transportation staff did not recommend the rezone. The proposal was in opposition to the established Comprehensive Plan. There had also been no information presented for the population served by the facility, like access and supportive activities were planned, which was crucial information to know ahead of voting on a jail far from the community. A more collaborative process should have been used, as well as presenting a cost estimate on renovating the current jail. Rosenbarger would vote against the rezone.

Piedmont-Smith thought that the proposed site was a terrible location for a new jail, it was too far away with no access. It was not reasonable to compare a business and a jail, and the city's accommodation for transportation. She noted that individuals that were released from the jail did not always have access to a car.

Piedmont-Smith would concur with the Plan Commission and deny the rezone.

Ordinance 22-38 (cont'd)

Flaherty would not support the rezone, and thought it was a poor location. A meaningful next step was to modify the process to make it inclusive and collaborative. A similar approach to the Capital Improvement Board (CIB) was needed. City staff should also be included, as well as individuals that worked in programming related to the jail and support services, and persons with experience as formerly incarcerated individuals. Flaherty said that an in-depth assessment of rehabilitation and renovation of the Justice Building, as requested by Judge Kara Krothe and Councilor Jennifer Crossley was needed, and gave reasons in support of doing so.

Sandberg noted that it was up to council to go with the Plan Commission's recommendation to deny the rezone request. She welcomed input from the community. Sandberg stated that she too would not support Ordinance 22-38.

The motion to adopt Ordinance 22-38 received a roll call vote of Ayes: 0, Nays: 9, Abstain: 0. FAILED

Vote to adopt Ordinance 22-38 [11:53pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING [11:53pm]

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT [11:53pm]

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [11:54pm]

Volan moved and it was seconded to adjourn the meeting. Sandberg adjourned the meeting.

ADJOURNMENT [11:55pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington